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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

| EXAMINER |
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| DASGUPTA, SOUMYA |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>03 January 2008</u>.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-7</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

## Applicant's Response

In the applicant's response dated 1/3/2008, the applicant did not amend the claims and argued against all the rejections.

The rejection set forth under 35 USC ~ 101 for Claims 1-6 are withdrawn because the applicant amended the Specification to delete the phrase "information carrier" and "propagated signal."

The rejection set forth under 35 USC ~ 112 (1st Paragraph) for Claims 1-7 are withdrawn because the applicant successfully argued that "storing lists" is not considered new matter.

Claims 1-7 are currently pending and being considered below. Claims 1, 4, and 5 are independent claims.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.     Determining the scope and contents of the prior art.
2.     Ascertaining the differences between the prior art and the claims at issue.

3.    Resolving the level of ordinary skill in the pertinent art.
4.    Considering objective evidence present in the application indicating obviousness or nonobviousness.


Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid et al (US 6,502,131; Patent Filing Date: Dec 4, 1998; Patent Issue Date: Dec 31, 2002; hereafter Vaid) in view of Wiederin et al (US 2004/0268147; PG Pub Date: Dec 30, 2004; Patent Issue Date: Jun 30, 2003).


## Claim 1:

Vaid teaches **a computer-readable medium storing a computer program for displaying, on a display device, a graphical user interface (GUI) comprising: a structure with columns and rows, each of the rows representing services in a network,** (Fig 10 → Vaid teaches "a graphical user interface (GUI) comprising: a structure with columns and rows, each of the rows representing services in a network " in that a distributed traffic management system is coupled to a network. This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.)


**the services storing lists of hierarchically inferior services,** (Fig 10 → Vaid teaches "the services storing lists of hierarchically inferior services " in that system that prioritizes network information flow. Fig 1 → Vaid discloses a system that contains servers coupled together in a hierarchical format. Col 25, lines 1-6 and Col 9, lines 17-21 → Vaid discloses a system where network traffic flow policy is stored in a database and the meta-data associated has the option to be stored in a tangible medium.)

**the rows structured hierarchically with respect to an application where a service belongs, a type of service, and concrete service instances.** (Fig 10 → Vaid teaches "the rows structured hierarchically with respect to an application where a service belongs, a type of service, and concrete service instances " in that the rows represent servers with their respective data and are listed in ascending or descending order. )

Vaid does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**.

Wiederin discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (paragraph 50 → Wiederin discloses a distributed system with "grid nodes, grid networks, and grid managers" in that the layered security system can be used in multiple networks including peer-to-peer basis, distributed network, grid-based network, LAN systems, wireless network, etc.  It is well-known in the art that in a grid based network, there are grid managers and grid nodes.)

Vaid and Wiederin are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Vaid and Wiederin before him or her, to incorporate a network monitoring system that displays services, applications, and servers on a distributed network system, as disclosed by Vaid, with network security system that include networks such grid and distributed systems, as disclosed by Wiederin.  The examiner notes that grid networks, mesh networks, and parallel processing are forms of a distributed network systems.

The motivation for doing so would have been to incorporate a GUI that presents a list of multiple servers, services, and applications in multiple networks.

Therefore, it would have been obvious to combine Wiederin with Vaid to obtain the invention as specified in the instant claim.

**Claim 2:**

Vaid and Wiederin disclose the limitations of Claim 1.

Vaid discloses **the computer-readable medium in which each service instance row is associated with a place in the structure representing where it is instantiated in the network.** (Fig 10 → Vaid teaches "service instance row is associated with a place in the structure representing where it is instantiated in the network" in that a distributed traffic management system is coupled to a network. This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.)

Vaid does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**.

Wiederin discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (paragraph 50 → Wiederin discloses a distributed system with "grid nodes, grid networks, and grid managers" in that the layered security system can be used in multiple networks including peer-to-peer basis, distributed network, grid-based network, LAN systems, wireless network, etc. It is well-known in the art that in a grid based network, there are grid managers and grid nodes.)

Vaid and Wiederin are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Vaid and Wiederin before him or her, to incorporate a network monitoring system that displays services, applications, and servers on a distributed network system, as disclosed by Vaid, with network security system that include networks such grid and distributed systems, as disclosed by Wiederin. The examiner notes that grid networks, mesh networks, and parallel processing are forms of a distributed network systems.

The motivation for doing so would have been to incorporate a GUI that presents a list of multiple servers, services, and applications in multiple networks.

Therefore, it would have been obvious to combine Wiederin with Vaid to obtain the invention as specified in the instant claim.

## Claim 3:
Vaid and Wiederin disclose the limitations of Claim 2.

Vaid discloses **the computer-readable medium in which columns represent grid nodes.** (Fig 10 → Vaid teaches "columns represent grid nodes" in that a distributed traffic management system is coupled to a network.  This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.)

Vaid does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**.

Wiederin discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (paragraph 50 → Wiederin discloses a distributed system with "grid nodes, grid networks, and grid managers" in that the layered security system can be used in multiple networks including peer-to-peer basis, distributed network, grid-based network, LAN systems, wireless network, etc.  It is well-known in the art that in a grid based network, there are grid managers and grid nodes.)

Vaid and Wiederin are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Vaid and Wiederin before him or her, to incorporate a network monitoring system that displays services, applications, and servers on a distributed network system, as disclosed by Vaid, with network security system that include networks such grid and distributed systems, as disclosed by Wiederin. The examiner notes that grid networks, mesh networks, and parallel processing are forms of a distributed network systems.

The motivation for doing so would have been to incorporate a GUI that presents a list of multiple servers, services, and applications in multiple networks.

Therefore, it would have been obvious to combine Wiederin with Vaid to obtain the invention as specified in the instant claim.

**Claim 4:**

Vaid teaches **a computer-readable medium storing a computer program for displaying, on a display device, a graphical user interface (GUI) describing a set of services for managing a portion of a computer grid, the GUI comprising: a**

**matrix with columns and rows,** (Fig 9 → Vaid teaches "a matrix with columns and rows " in that the system with a GUI that shows columns and rows. This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.)

**each column representing a computer from a set of computers in the computer network,** (Fig 9 → Vaid teaches "each column representing a computer from a set of computers in the computer network " in that the GUI shows various tasks of clients, servers, and services in a network. This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.)

**each computer from the set of computers having a network manager,** (Fig 9 → Vaid teaches "each computer from the set of computers having a network manager " in that the distributed computing management system with a GUI that has various tasks of computers , servers, and services.)

**and each row representing a network manager or other application service, positions of labels in the structure indicating which computer currently runs which network manager or other application service;** (Fig 9 → Vaid teaches "each row representing a network manager or other application service, positions of labels in the structure indicating which computer currently runs which network manager or other application service" in that the distributed computing management system with a GUI that shows servers running other networks and monitors the traffic flow of the network. This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.)

**a column representing a first computer from the set of computers running a first network manager,** (Fig 9 → Vaid teaches "a column representing a first computer from

the set of computers running a first network manager" in that the GUI displaying a list of servers running a network that is hierarchically arranged with respect to the application running. This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.)

**the first grid manager storing a list of one or more network managers hierarchically inferior to the first network manager;** (Fig 10 → Vaid teaches "the first grid manager storing a list of one or more network managers hierarchically inferior to the first network manager" in that the system prioritizes network information flow.  Fig 1 → Vaid discloses a system that contains servers coupled together in a hierarchical format. Col 25, lines 1-6 and Col 9, lines 17-21 → Vaid discloses a system where network traffic flow policy is stored in a database and the meta-data associated has the option to be stored in a tangible medium.)

**and one or more columns representing one or more computers from the set of computers running the one or more network managers hierarchically inferior to the first network manager.** (Fig 9 → Vaid teaches "one or more columns representing one or more computers from the set of computers running the one or more network managers hierarchically inferior to the first network manager " in that the system that is a distributed computing management system with a GUI that shows servers running other networks and monitors the traffic flow of the network. This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.)

Vaid does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**.

Wiederin discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (paragraph 50 → Wiederin discloses a distributed system with "grid nodes, grid networks, and grid managers" in that the layered security system can be used in multiple networks including peer-to-peer basis, distributed network, grid-based network, LAN systems, wireless network, etc. It is well-known in the art that in a grid based network, there are grid managers and grid nodes.)

Vaid and Wiederin are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Vaid and Wiederin before him or her, to incorporate a network monitoring system that displays services, applications, and servers on a distributed network system, as disclosed by Vaid, with network security system that include networks such grid and distributed systems, as disclosed by Wiederin. The examiner notes that grid networks, mesh networks, and parallel processing are forms of a distributed network systems.

The motivation for doing so would have been to incorporate a GUI that presents a list of multiple servers, services, and applications in multiple networks.

Therefore, it would have been obvious to combine Wiederin with Vaid to obtain the invention as specified in the instant claim.

**Claim 6:**

Vaid and Wiederin disclose the limitations of Claim 4.

Vaid teaches **the computer-readable medium wherein the rows representing application services are structured by application class.** (Fig 10 → Vaid teaches

"the rows representing application services are structured by application class " in that the  rows represent servers with their respective data and are listed in ascending or descending order. Vaid teaches a system where the user can select the option of services and clients as a variable on the row.)

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid et al (US 6,502,131; Patent Filing Date: Dec 4, 1998; Patent Issue Date: Dec 31, 2002; hereafter Vaid) in view of Wiederin et al (US 2004/0268147; PG Pub Date: Dec 30, 2004; Patent Issue Date: Jun 30, 2003) in view of Bibayan (US 5659694; Patent Issue Date: Aug 19. 1997; hereafter Bibayan).

## Claim 5:

Vaid and Wiederin disclose the limitations of Claim 4.

Vaid discloses **other application services in the matrix.** (Fig 10 → Vaid teaches a system that is a distributed traffic management system that is coupled to a network. This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.)

Vaid does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**.

Wiederin discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (paragraph 50 → Wiederin discloses a distributed system with "grid nodes, grid networks, and grid managers" in that the

layered security system can be used in multiple networks including peer-to-peer basis, distributed network, grid-based network, LAN systems, wireless network, etc. It is well-known in the art that in a grid based network, there are grid managers and grid nodes.)

Vaid and Wiederin do not appear to explicitly disclose **the computer-readable medium wherein the GUI further comprises a shrinkable structure that hides the labels.**

However, Bibayan discloses **the computer-readable medium wherein the GUI further comprises a shrinkable structure that hides the labels.** (Fig 5, item 156 → Bibyan discloses "the GUI further comprises a shrinkable structure that hides the labels " in that a minimize button used to hide the contents of an open window..)

Vaid, Wiederin, and Bibayan are analogous art because they are from the same field of endeavor of GUI labels and headers.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Vaid and Bibayan before him or her, to incorporate a GUI that has labels and headers on a distributed network system, as disclosed by Vaid, with a security system that incorporates a GUI with a grid network, and a method to minimize windows, as disclosed by Bibayan. The examiner notes that grid networks, mesh networks, and parallel processing are forms of a distributed network systems.

The motivation for doing so would have been to allow users to hide labels and headers on a GUI presentation.

Therefore, it would have been obvious to combine Bibayan and Wiederin with Vaid to obtain the invention as specified in the instant claim.

1.      Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Besaw et

al (US 5,276,789; Patent Issue Date: Jun 4, 1994; hereafter Besaw) in view of Wiederin

et al (US 2004/0268147; PG Pub Date: Dec 30, 2004; Patent Issue Date: Jun 30, 2003).


**Claim 7:**

Besaw discloses a **method comprising: receiving a request to view a sub network**

**of a network, the sub network representing a root node and nodes hierarchically**

**inferior to the root node,** (Abstract → Besaw discloses "receiving a request to view a

sub network of a network, the sub network" in that system will provide any of the three

views that can be requested by the user including an internet view, network view, and

system view; a network view can be shown for any of the networks described in the

internet view. A network is comprised of segments and the system will display a view of

the nodes connected to any one of the segments. A network is comprised of segments

and the system will display a view of the nodes connected to any one of the segments.

The system also retrieves a list of the nodes within the network and their

interconnections from a database which can be manually built by a network

administrator or automatically constructed by other software. Fig 22 and Fig 2 → Besaw

discloses "representing a root node and nodes hierarchically inferior to the root node" in

that the network environment consists of parent-child relationships. The examiner notes

that it is well known in the art that hierarchy systems have superior and inferior

relations. Fig 2 → Besaw discloses a root node with attached nodes, hence the root

node is a sub network connected to other nodes.. )

**the nodes representing network managers managing one or more services**

**running on computers in the network;** (Fig 2 → Besaw discloses "the nodes

representing network managers managing one or more services running on computers

in the network" in that system has nodes that are connected together  in a network

environment. The examiner notes that it well known in the art for network nodes to

represent computers, applications, other networks, and network managers.)


**querying a network manager representing the root node for its status and**

**addresses of nodes hierarchically inferior to the root node, the network**

**manager representing the root node storing a list of hierarchically**

**inferior network managers representing the nodes hierarchically inferior**

**to the root node;** (Abstract → Besaw discloses "querying a network manager

representing the root node for its status and addresses of nodes hierarchically inferior to

the root node, the network manager representing the root node storing a list of

hierarchically inferior network managers representing the nodes hierarchically inferior to

the root node " in that the system will provide any of the three views that can be

requested by the user including an internet view, network view, and system view; the

system also retrieves a list of the nodes within the network and their interconnections

from a database which can be manually built by a network administrator or

automatically constructed by other software. By selecting the three views, the user can

view the status of the network and the node of interest. Fig 2 → The system shows a

cluster and list of nodes in a mesh network environment. )

**querying the hierarchically inferior network managers for a current status;**

(Abstract → Besaw discloses "querying the hierarchically inferior network managers for

a current status " in that the system will provide any of the three views that can be

requested by the user including an internet view, network view, and system view; the

system also retrieves a list of the nodes within the network and their interconnections

from a database which can be manually built by a network administrator or

automatically constructed by other software.)

**and displaying a state of the root network manager and the hierarchically inferior**

**network managers and, for each network manager, a computer system**

**running the network manager.** (Abstract → Besaw discloses "displaying a state of the

root network manager and the hierarchically inferior network managers and, for each

network manager, a computer system running the network manager " in that the system

will provide any of the three views that can be requested by the user including an

internet view, network view, and system view; the system also retrieves a list of the

nodes within the network and their interconnections from a database which can be

manually built by a network administrator or automatically constructed by other

software. By selecting the three views, the user can view the status of the network and

the node of interest.)

Besaw does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**.

Wiederin discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (paragraph 50 → Wiederin discloses a distributed system with "grid nodes, grid networks, and grid managers" in that the layered security system can be used in multiple networks including peer-to-peer basis, distributed network, grid-based network, LAN systems, wireless network, etc. It is well-known in the art that in a grid based network, there are grid managers and grid nodes.)

Besaw and Wiederin are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Wiederin before him or her, to incorporate a network management system consisting of movable and adjustable nodes, as disclosed by Besaw, with network security system that include networks such grid and distributed systems, as disclosed by Wiederin.

The motivation for doing so would have been to allow users to use parallel processing networks to be manipulated and managed by graphical nodes.

Therefore, it would have been obvious to combine Wiederin with Besaw to obtain the invention as specified in the instant claim.

### Double Patenting

1.      The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

This is a <u>provisional</u> obviousness-type double patenting rejection.

**Claim 1:**

2.      Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,3 of copending Application No. 10/712,886. (hereafter '886) in view of Vaid et al (US 6,502,131; Patent Filing Date: Dec 4, 1998; Patent Issue Date: Dec 31, 2002) in further view of Wiederin et al (US 2004/0268147; PG Pub Date: Dec 30, 2004; Patent Issue Date: Jun 30, 2003).

Claims 1 and 3 of application 10/712,886 (from hereon referred to as 712) **teaches a graphical user interface (GUI) comprising: a structure with columns and rows, each of the rows representing services in a grid computing network**, each of the  (Claim 1 of 712 states that the graphical user interface (GUI) comprising: a

graph with edges and vertices, the vertices representing grid nodes and the edges representing an association of two grid nodes in a grid computing network), **the rows structured hierarchically with respect to an application where a service belongs, a type of service and concrete service instances** (Claim 3 of 712 states that the association is hierarchical).

Claims 1 and 3 of 712 fail to teach columns and rows.

Vaid teaches **columns and rows representing services in a computing network, and hierarchical structure with respect to an application where a service belong, a type of service and concrete service instances and the columns represent grid nodes for the purpose of teaching a hierarchical network**. (Fig 10 → Vaid teaches a system that is a distributed traffic management system that is coupled to a network. This system has a GUI that has columns and rows representing servers, services, and clients and their respective traffic flow information.) and **in a computing network, the services storing lists of hierarchical inferior services** (Fig 10 → Vaid teaches a system that prioritizes network information flow. Fig 1 → Vaid discloses a system that contains servers coupled together in a hierarchical format. Col 25, lines 1-6 and Col 9, lines 17-21 → Vaid discloses a system where network traffic flow policy is stored in a database and the meta-data associated has the option to be stored in a tangible medium.)

Wiederin discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (paragraph 50 → Wiederin discloses a distributed system with "grid nodes, grid networks, and grid managers" in that the layered security system can be used in multiple networks including peer-to-peer basis, distributed network, grid-based network, LAN systems, wireless network, etc. It is well-known in the art that in a grid based network, there are grid managers and grid nodes.)

It would have been obvious to one having ordinary skill in the art to modify 712 to graphical user interface (GUI) comprising: a structure with columns and rows (in place of the edges and vertices), each of the rows representing services in a grid computing network, the rows structured hierarchically with respect to an application where a service belongs, a type of service and concrete service instances as taught by Vaid and Wiederin because the two types of structures are well known equivalents.

## Claim 2:

Claim 2 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/712,886 (hereafter '886). Claim 1 of '886 teaches **the GUI in which each service instance row is associated to a place in the grid-like structure representing where it is instantiated.** (Claim 1 of '886 states "a graph with edges and vertices, the vertices representing grid nodes in a quid network, each of the quid nodes comprising a quid manager.")

Although Claim 1 of '886 does not explicitly state a "row," the examiner notes that a graph with edges and vertices can be portrayed as a bar graph or a grid, which has rows and columns.

## Claim 3:

Claim 3 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/712,886 (hereafter '886). Claim 1 of '886 teaches **the GUI in which columns represent grid nodes.** (Claim 1 of '886 states "a graph with edges and vertices, the vertices representing grid nodes in a quid network, each of the quid nodes comprising a quid manager.")

Although Claim 1 of '886 does not explicitly state a "column," the examiner notes that a graph with edges and vertices can be portrayed as a bar graph or a grid, which has rows and columns.

## Claims 4 and 5:

Claims 4 and 5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 4 of copending Application No. 10/712,886 (hereafter '886).

Claims 4 and 5 of application 10/712,886 (from hereon referred to as 712) teaches a **graphical user interface (GUI) describing a set of services managing a portion of a computer grid, the GUI comprising: a matrix-like structure with columns and rows, each column representing a computer from a set of computers in the computer grid** (Claim 4 of 712 states a graph with vectors and nodes for visualizing a computer grid); **each column representing a computer from a set of computers in the computer grid [and] a column representing a first computer from the set of computers running a first grid manager** (Claim 4 of 712 states a graph with vectors and nodes representing computers running grid managers and the vectors representing relations between pairs of grid managers); **each computer from the set of computers having a grid** (Claim 4 of 712 states that the vectors representing relations between pairs of grid managers); **each row representing a grid manager or other application service and positions of labels in the structure indicating which computer currently runs which grid manager or other application service** (Claim 4 of 712 states to generate a display showing the management services running on the computer); **and one or more columns representing one or more computers from the set of computers running one or more grid managers having an inferior relation with the first grid manager** (Claim 4 of 712 states that); **and also teaches a shrinkable structure that hides the labels representing grid managers or other application services** (Claim 4 of 712 states an expandable structure showing computer grid applications), respectively.

Although Claim 1 of '886 does not explicitly state a "column," the examiner notes that a graph with edges and vertices can be portrayed as a bar graph or a grid, which has rows and columns. It would have been obvious to one having ordinary skill in the art to modify 712 as a shrinkable structure because the opposite of a shrinkable structure is an expandable structure.

## Claim 7:

2.      Claim 7 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of copending Application No. 10/712,886 and further in view of Besaw et al (US 5,276,789; Patent Issue Date: Jun 4, 1994; hereafter Besaw) in view of Wiederin et al (US 2004/0268147; PG Pub Date: Dec 30, 2004; Patent Issue Date: Jun 30, 2003).

Claim 7 of application 10/712,886 (from hereon referred to as 712) teaches **a method comprising: receiving a request to view a sub grid network of a grid network** (Claim 5 of 712 states receiving a request to visualize a grid network with at least one node from a set of linked nodes); **the sub grid network representing a root node and nodes with inferior relations to the root node and displaying a state of the root and inferior grid managers and for each grid manager, a computer system running the grid manager** (Claim 5 of 712 states displaying nodes corresponding to the grid managers in the first list and drawing vectors from the grid manager to the grid managers in the first list of grid managers); **the nodes representing grid managers managing one or more services running on computers in the grid network** (Claim 5 of 712 states the nodes representing computers running grid managers and vectors representing relations between pairs of grid managers); **querying a grid manager representing the root node for its status and addresses of nodes with inferior**

**relations and querying inferior grid managers for current status** (Claim 5 of 712 states sending a first query to the grid manager requesting a first list of grid managers having an inferior relation to the root node).

Claim 5 of 712 fails to teach **the grid manager representing the root node storing a list of hierarchically inferior grid managers representing the nodes hierarchically inferior to the root node**.

Besaw **teaches the manager representing the root node storing a list of hierarchically inferior managers representing the nodes hierarchically inferior to the root node.** (Fig 2 and Fig 22→ Wiederin discloses " the manager representing the root node storing a list of hierarchically inferior managers representing the nodes hierarchically inferior to the root node" in that the hierarchical connections of nodes are presented in a GUI. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.)

Wiederin discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (paragraph 50 → Wiederin discloses a distributed system with "grid nodes, grid networks, and grid managers" in that the layered security system can be used in multiple networks including peer-to-peer basis, distributed network, grid-based network, LAN systems, wireless network, etc. It is well-known in the art that in a grid based network, there are grid managers and grid nodes.)

It would have been obvious to one having ordinary skill in the art to modify 712 with a storing mechanism in order to store the data associated as taught by Besaw in view of Wiederin.

### *Response to Arguments*
### Rejection of Claims 1-7 Under 35 USC ~ 112 (1st Paragraph):

The applicant argues that the term the phrase "inferior," or let alone, "hierarchically

inferior," as defined within the context of the applicants' invention, can not be rejected

under a lack of enablement because the scope and definition of the terms can be found

in the Specification on page 5, lines 9-14 and page 13, lines 4-9.  Page 5, lines 9 -14

recites: "Grid managers 152, 154, 156, 160, 162, and 164 are resident in computer

devices 12, 14, 16, 18, 20, and 22, respectively. Within the grid computing environment

100, pairs of grid managers can have directional relations that classify one grid

manager as superior to another grid manager. A grid manager can have more than one

superior relations with other grid managers. For example, grid manager 152 has a

superior relation with grid managers 154 and 156. A grid manager can also have more

than one inferior relations with other grid managers." Page 13, lines 4-9 recites:"As

shown in FIG. 7, a grid browser component 600 is a composite graphical user

interface (GUI) for browsing grid managers on computer devices in the grid computing

environment 100. The component 600 displays a graph with curved edges and vertices.

Vertices represent computer devices in the grid computing environment 100 and curved

edges represent the directional association of grid managers on two computer devices

(vertices) in the grid computing environment 100. This association is hierarchical (i.e.,

superior/inferior).

"Applicant's arguments, see pg 4-5, filed 1/3/2008, with respect to Claims 1-7 have

been fully considered and are persuasive.  The rejection of Claims 1-7 under 35 USC

112 (1st paragraph) has been withdrawn.

## Rejection of Claims 1-7 under 35 USC ~ 112 (2nd Paragraph):

The applicant argues that the term the phrase "inferior," or let alone, "hierarchically

inferior," as defined within the context of the applicants' invention, can not be rejected

due to being vague and indefinite because the scope and definition of the terms can be

found in the Specification on page 5, lines 9-14 and page 13, lines 4-9. Page 5, lines 9

-14 recites: "Grid managers 152, 154, 156, 160, 162, and 164 are resident in computer

devices 12, 14, 16, 18, 20, and 22, respectively. Within the grid computing environment

100, pairs of grid managers can have directional relations that classify one grid

manager as superior to another grid manager. A grid manager can have more than one

superior relations with other grid managers. For example, grid manager 152 has a

superior relation with grid managers 154 and 156. A grid manager can also have more

than one inferior relations with other grid managers." Page 13, lines 4-9 recites:"As

shown in FIG. 7, a grid browser component 600 is a composite graphical user interface

(GUI) for browsing grid managers on computer devices in the grid computing

environment 100. The component 600 displays a graph with curved edges and vertices.

Vertices represent computer devices in the grid computing environment 100 and curved

edges represent the directional association of grid managers on two computer devices

(vertices) in the grid computing environment 100. This association is hierarchical (i.e.,

superior/inferior)."

Applicant's arguments, see pg 4-5, filed 1/3/2008, with respect to Claims 1-7 have been

fully considered and are persuasive. The rejection of Claims 1-7 under 35 USC 112 (2nd

paragraph) has been withdrawn.


## Rejection of Claims 1,2,4, and 6 under 35 USC ~ 102 (e)

The applicant argues, for claims 1, 2, 4, and 6, that the prior art does not disclose "the

services storing lists of hierarchically inferior services," "the first grid manager storing a

list of one or more grid managers hierarchically inferior to the first grid manager," and

"the grid manager representing the root node storing a list of hierarchically inferior grid

managers representing the nodes hierarchically inferior to the root node." Applicant's

arguments with respect to claims 1, 2, 4, and 6 have been considered but are moot in

view of the new ground(s) of rejection.


## Rejection of Claims 3, 5, and 7 under 35 USC ~ 103 (a)

The applicant argues, for claims 3, 5, and 7, that the prior art does not disclose "the

services storing lists of hierarchically inferior services," "the first grid manager storing a

list of one or more grid managers hierarchically inferior to the first grid manager," and

"the grid manager representing the root node storing a list of hierarchically inferior grid

managers representing the nodes hierarchically inferior to the root node." Applicant's

arguments with respect to claims 3,5, and 7 have been considered but are moot in view

of the new ground(s) of rejection.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOUMYA DASGUPTA whose telephone number is (571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

*/Doug Hutton/*
Doug Hutton

Supervisory Primary Examiner
Technology Center 2100